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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,016	06/11/1999	HIROSHI YAMAZAKI	1185.1047/JD	8878

21171 7590 06/12/2008
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EXAMINER

NGUYEN, DUNG T

ART UNIT	PAPER NUMBER
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2871

MAIL DATE	DELIVERY MODE
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06/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Applicants' amendment dated 03/05/2008 has been received and entered. By the amendment, claims 1-11 are pending in the application.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 4, 7, 10 and 11, it is confusing and unclear what it meant by "covering density of said scattering elements is greater at *either* end of said incidence end face than at any other point therebetween" (emphasis added). It should be noted that, according to the specification and figure 3, the covering density of the scattering elements (14) at the area AR1 (close to the incidence end face) is greater than the other area (i.e., covering density decreases as far away the incidence end face (see also figure 5). Therefore, as best understood, for the purposes of examination, it is assumed that covering density of the scattering elements at greater at the area closed the incidence end face and will be decreased as far away the incidence end face of the guide plate.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or

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improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-10 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3, 6 and 9 of U.S. Patent No. 6,339,458 (Ohkawa). Although the conflicting claims are not identical, they are not patentably distinct from each other because both application and the patent disclose a surface light source device having at least two different zones with two different roughness degrees as well as the covering density of the scattering elements at the incidence end face is greater than that the area that far away the incidence end face of the guide plate.

In addition, regarding claim 11, Ohkawa ‘458 discloses the claimed invention except for a plurality of column-shaped light scattering elements. It would have been an obvious to one having ordinary skill in the art at the time the invention was made to employ the column-shaped light scattering elements, since the examiner takes Office Notice of the equivalence of the dome-shaped roughened projections and the column-shaped light scattering elements for their use in

the LCD art and the selection of any of these known equivalents for light controlling (e.g. scattering) would be within the level of ordinary skill in the art.

Response to Arguments

5. Applicant's arguments filed 06/13/2007 have been fully considered but they are not persuasive.

As stated above (paragraph 3), the scope of the new added limitation is not clear; therefore, according to the specification and figure 3, such new added limitation is not sufficient to overcome its double-patenting rejection in a previous Office Action.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Nguyen whose telephone number is 571-272-2297. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on 571-272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DN
06/09/2008

/Dung T. Nguyen/
Dung Nguyen
Primary Examiner
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